

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARK G. BRALLEY,

Plaintiff,

vs.

No. CIV 13-0768 JB/SMV

ALBUQUERQUE PUBLIC SCHOOLS BD. OF EDUC.,
ROBERT LUCERO, DAVID ROBBINS,
PAULA MAES, MARTIN ESQUIVEL,
KATHERINE KORTE, ALBUQUERQUE PUBLIC
SCHOOLS, WINSTON BROOKS, BRADLEY WINTER,
MONICA ARMENTA, RIGO CHAVEZ,
JOHN MILLER, STEVE TELLEZ, STEVE GALLEGOS,
and ALBUQUERQUE PUBLIC SCHOOLS POLICE DEP'T,

Defendants.

FINAL JUDGMENT

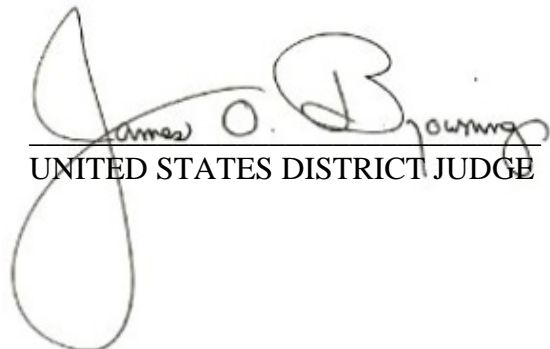
THIS MATTER comes before the Court on: (i) Memorandum Opinion and Order Adopting the Magistrate Judge's Proposed Findings and Recommended Disposition, filed March 30, 2015 (Doc. 83)("Dismissal of Count Nine"); (ii) Memorandum Opinion and Order Adopting the Magistrate Judge's Proposed Findings and Recommended Disposition, filed March 30, 2015 (Doc. 84)("Dismissal of Count One"); (iii) Memorandum Opinion and Order Adopting the Magistrate Judge's Proposed Findings and Recommended Disposition, filed March 30, 2015 (Doc. 85)("Dismissal of Count Seven"); (iv) Memorandum Opinion and Order Adopting the Magistrate Judge's Proposed Findings and Recommended Disposition, filed March 15, 2016 (Doc. 163)("Dismissal of Count Eight"); (v) Memorandum Opinion and Order Adopting the Magistrate Judge's Proposed Findings and Recommended Disposition, filed March 15, 2016 (Doc. 164)("Dismissal of Count Ten"); (vi) Order Adopting the Magistrate Judge's Proposed Findings and Recommended Disposition, filed March 17, 2016 (Doc. 166)("Dismissal of Count

Eleven”); (vii) Stipulated Order Dismissing all Claims Against Defendant Robert Lucero, David Robbins, Paula Maes, Martin Esquivel, Katherine Korte, the Albuquerque Public Schools, Winston Brooks, Bradley Winter, Monica Armenta, Rigo Chavez, John Miller, Steve Tellez, Steve Gallegos, and the Albuquerque Public Schools Police Department with Prejudice, filed March 31, 2016 (Doc. 181)(“Stipulated Order of Dismissal”); and (viii) Stipulated Judgment Pursuant to Fed. R. Civ. P. 68, filed March 31, 2016 (Doc. 182)(“Stipulated Judgment”).

In the Dismissal of Count Nine, the Court dismissed with prejudice Plaintiff Mark G. Bralley’s Count Nine of the Complaint for Violations of the First, Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution: Violation of Article II Bill of Rights Sec. 17. [Freedom of Speech and Press; Libel] and Sec. 18. [Due Process; Equal Protection] of the New Mexico Constitution; and to Enforce the New Mexico Open Meetings Act, and to Enforce the New Mexico Inspection of Public Records Act[, and] Writ of Mandamus to Enforce the New Mexico Open Meetings Act, and to Enforce the New Mexico Inspection of Public Records Act[,] Mandamus Act, 28 U.S.C. §1361, and Against the Agency Defendants Under the Administrative Procedure Act, 5 U.S.C. § 706, filed August 19, 2013 (Doc. 1) -- for violation of the right under the Sixth Amendment to the Constitution of the United States of America. See Dismissal of Count Nine at 1. In the Dismissal of Count One, the Court dismissed Bralley’s Count One -- for unlawful prior restraint arising from the events on August 19, 2010. See Dismissal of Count One at 1. In the Dismissal of Count Seven, the Court dismissed with prejudice Bralley’s Count Seven -- for violations of Bralley’s rights under the Fourth Amendment of the Constitution of the United States on August 25, 2010, and October 8, 2012. See Dismissal of Count Seven at 1. In the Dismissal of Count Eight, the Court dismissed with prejudice Bralley’s Count Eight -- for violation of his due process rights under the Fifth

Amendment to the Constitution. See Dismissal of Count Eight at 1. In the Dismissal of Count Ten, the Court dismissed with prejudice Count Ten -- for violation of the Fourteenth Amendment's right to due process. See Dismissal of Count Ten at 1. In the Dismissal of Count Eleven, the Court dismissed with prejudice Bralley's Count Eleven -- demanding declaratory and injunctive relief for violation of Bralley's rights under the First and Fourteenth Amendment. See Dismissal of Count Eleven. In the Stipulated Order of Dismissal, the Court dismissed all claims against Defendants Robert Lucero, David Robbins, Paula Maes, Martin Esquivel, Katherine Korte, the Albuquerque Public Schools, Winston Brooks, Bradley Winter, Monica Armenta, Rigo Chavez, John Miller, Steve Tellez, Steve Gallegos, and the Albuquerque Public Schools Police Department with prejudice. See Stipulated Order of Dismissal at 2. Finally, in the Stipulated Judgment, the Court ordered that "Judgment is entered against Defendant Albuquerque Public Schools Board of Education, in the total amount of fifty-seven thousand five hundred dollars (\$57,500.00) and that Plaintiff's claims against Defendants Robert Lucero, David Robbins, Paula Maes, Martin Esquivel, Katherine Korte, the Albuquerque Public Schools, Winston Brooks, Bradley Winter, Monica Armenta, Rigo Chavez, John Miller, Steve Tellez, Steve Gallegos, and the Albuquerque Public Schools Police Department are not included in this judgment." Stipulated Judgment at 3. There being no more claims before the Court, the Court hereby enters Final Judgment.

IT IS ORDERED that this civil proceeding is dismissed, and final judgment is entered.



UNITED STATES DISTRICT JUDGE

Counsel:

Nicholas Sitterly
Sitterly Law Firm
Albuquerque, New Mexico

Attorney for the Plaintiff

Luis E. Robles
David Anthony Roman
Lindsay Drennan
Robles, Rael & Anaya, P.C.
Albuquerque, New Mexico

Attorneys for the Defendants